

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TROUT UNLIMITED, AMERICAN RIVERS,
PACIFIC RIVERS COUNCIL, WILD
STEELHEAD COALITION, NATIVE FISH
SOCIETY, and SIERRA CLUB,

Plaintiffs and Intervenor-
Cross-Defendants,

v.

D. ROBERT LOHN, in his capacity as Regional
Administrator of National Marine Fisheries Service
Northwest Regional Office, and NATIONAL
MARINE FISHERIES SERVICE,

Defendants and Cross-
Defendants,

and

BUILDING INDUSTRY ASSOCIATION OF
WASHINGTON, WASHINGTON STATE FARM
BUREAU, COALITION FOR IDAHO WATER,
and IDAHO WATER USERS ASSOCIATION,

Intervenor-Defendants and
Cross-Claimants.

CASE NO. C06-0483C

MINUTE ORDER

1 The following Minute Order is made by direction of the Court, the Honorable John C.
2 Coughenour, United States District Judge:

3 This matter is before the Court on the motion to intervene by the Building Industry Association of
4 Washington, Washington State Farm Bureau, Coalition for Idaho Water, and Idaho Water Users
5 Association (“Applicants”). (Dkt. No. 12.) Applicants seek to intervene under Federal Rule of Civil
6 Procedure 24(a) as defendants to oppose Plaintiffs’ first cause of action challenging NMFS’s downlisting
7 of Upper Columbia Steelhead, as well as the third cause of action contesting NMFS’s denial of a petition
8 to split wild and hatchery salmon into separate ESUs/DPSs. (Mot. 1; First Am. Compl. ¶¶ 58–68,
9 80–86.) Applicants would also intervene as cross-claimants, however, to oppose the NMFS’s Hatchery
10 Listing Policy. (Mot. 1–2; First Am. Compl. ¶¶ 69–79.) Plaintiffs do not oppose Applicants’ motion to
11 intervene, but have requested leave to intervene as cross-defendants to oppose Applicants’ request for
12 declaratory and injunctive relief contained in a Proposed Cross-Complaint.

13 Having considered Applicants’ motion in light of the complete record in this matter, the Court
14 hereby GRANTS their motion to intervene. The Applicants are DIRECTED to file separately their
15 Answer to the First Amended Complaint (Dkt. No. 27) and their Cross-Complaint for Declaratory and
16 Injunctive Relief.

17 The Court further GRANTS Plaintiffs’ request for leave to intervene as cross-defendants.
18 Plaintiffs and Defendants are DIRECTED to file their respective responses to the Cross-Complaint in
19 accordance with the Federal Rules of Civil Procedure and this Court’s Local Rules.

20 DATED this 18th day of July, 2006.

21 BRUCE RIFKIN, Clerk of Court

22
23 By /s/ C. Ledesma

24 Deputy Clerk